

(1) Serve under the authority, direction, and control of them USD(A&T).

(2) Serve as a member of the Defense Planning and Resources Board, when BMD matters are under consideration, and Chairman of the BMDARC.

(3) Consult with the Secretaries of the Military Departments, Chairman of the Joint Chiefs of Staff, and Under Secretary of Defense for Policy when addressing issues under their respective purview, to include the strategy and policy implications of defensive capabilities.

(4) Operate within the DoD Acquisition System, as defined in DoD Directive 5000.1¹ and DoD Instruction 500.2,² taking direction from the USD(A&T); and work directly with appropriate OSD committees and offices.

(5) Establish, in consultation with the USD(A&T), mechanisms for coordination of BMDPs with other DoD technical efforts; and coordinate and exchange information with other DoD officials having collateral or related functions.

(6) Establish procedures for streamlined communication with each Military Department and Defense Agency involved in the BMDP.

(7) Maintain active liaison for the exchange of information and advice in the field of assigned responsibility with all the DoD Components, other U.S. Government activities, and non-DoD research institutions (including private business entities and educational institutions).

(8) Through the USD(A&T), keep the Secretary of Defense, the Deputy Secretary of Defense, the DoD Components, and non-DoD U.S. Government Agencies informed, as appropriate, on schedules, status, and significant new developments, breakthroughs, and technological advances within assigned projects.

(9) Use existing facilities and services of the Department of Defense and other Federal Agencies, whenever practicable, to avoid duplication and to achieve maximum efficiency and economy.

(b) The Heads of the DoD Components shall:

(1) Provide support within their respective fields of responsibilities, to the Director, BMDO, as required, to carry out the responsibilities and functions assigned to BMDO.

(2) Provide information, as necessary, to the Director, BMDO, on all programs and activities that include, or are related to, BMD research, technology, and the BMDP.

(c) The Secretaries of the Military Departments and Directors of Defense Agencies shall:

(1) Execute BMD element programs and BMD technology development efforts as recommended by the Director, BMDO, and approved by the Secretary of Defense.

(2) Provide the personnel (to include a BMD Program Executive Officer and Element Program Managers) and the infrastructure necessary to support all Service BMD activities.

(3) Provide program recommendations and advice to the Director, BMDO on budgeting, resources, and program execution.

(4) Provide advice on BMD activities, including readiness for advancing through the acquisition process, technical and programmatic issues, and general program guidance.

(5) Submit program documentation and reports required by the Director, BMDO, in support of DAE reviews and milestone decisions.

§ 388.7 Authorities.

The Director, BMDO, is hereby delegated authority to:

(a) Communicate directly and enter into agreements with heads of DoD Components, as necessary, in carrying out assigned responsibilities. Communications with the Commanders of the Unified Combatant Commands shall be communicated through the Chairman of the Joint Chiefs of Staff.

(b) Recommend to the USD(A&T) revisions or exceptions to Military Department and/or Defense Agency regulations, directives, procedures, or instructions for, or related to, system acquisition for individual or a class of BMD requirements as determined necessary to accomplish the BMD objectives.

¹Copies may be obtained, at cost, from the National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161.

²See footnote 1 to § 388.6(a) (4).

(c) Enter into and administer contracts, directly or through a Military Department, as appropriate, for supplies, equipment, and services required to accomplish the mission of the BMDO.

(d) Serve as the head of an Agency and Contracting Activity, and act as the Senior Procurement Executive, within the meaning of and subject to the limitations of 48 CFR 202.101 and 48 CFR 2.1, for the BMDO.

(e) Authorize the allocation and/or sub-allocation of funds made available to BMDO for assigned research, development, test, and acquisition projects.

(f) Acquire or construct, through a Military Department or other Government Agency, such research, development, and test facilities and equipment required to carry out assignments that may be approved by the Secretary of Defense or Deputy Secretary of Defense as recommended by the USD(A&T), in accordance with applicable statutes.

(g) Negotiate agreements, as necessary, with other U.S. Agencies and organizations to ensure proper coordination and execution of the BMDP.

(h) Negotiate agreements, as necessary, with foreign governments to execute allied participation in the BMDP. These agreements shall be subject to approval by duly appointed DoD authorities, in accordance with DoD Directive 5530.3.³

(i) Establish, in coordination with appropriate DoD Components, special security procedures for sensitive BMDPs.

(j) Exercise original classification authority over BMDO funded technology development and acquisition programs. In general, where another DoD Component has been designated for program execution, original classification authority will be delegated to that Component as part of a program management agreement with BMDO. All original classification decisions must be made in coordination with the BMDO, Military Departments, and other appropriate DoD organizations.

(k) Exercise foreign disclosure authority over BMDO funded technology development and acquisition programs. In general, where another DoD Component has been designated for program

execution, foreign disclosure authority will be delegated to that Component as part of a program management agreement with BMDO. All foreign disclosure decisions must be made in accordance with National Disclosure Policy and applicable DoD procedures, and be coordinated with the BMDO, Military Departments, and other appropriate DoD organizations.

(l) Carry out the functions and exercise the responsibilities of the Theater Missile Defense Initiative Office, as established by section 231 of the National Defense Authorization Act for Fiscal Year 1993.

(m) Exercise the administrative authorities contained in appendix A to this part.

§ 388.8 Administration.

(a) The Director, BMDO, shall be appointed by the Secretary of Defense, upon recommendation from the USD(A&T).

(b) The Military Departments shall assign personnel to BMDO, in accordance with approved authorizations and procedures for joint duty assignment and the Defense Acquisition Workforce Improvement Act.

(c) Administrative support required for BMDO shall be provided by the other DoD Components, as appropriate.

(d) The Director, BMDO, shall consult on all key military and civilian personnel assignments within the BMD management network.

APPENDIX A TO PART 388—DELEGATIONS OF AUTHORITY

Pursuant to the authority vested in the Secretary of Defense, and in accordance with DoD policies, Directives, and Instructions, the Director, BMDO, or, in the absence of the Director, the person acting for the Director, is hereby delegated authority, in the administration and operation of the BMDO, to:

1. Perform the following functions in accordance with the provisions of 5 U.S.C. 7532; Executive Order 10450, 3 CFR, 1949-1953 Comp., p. 936 and 32 CFR part 154.

a. Designate and position in the BMDO as a "sensitive" position.

b. Authorize, in case of an emergency, the appointment of a person to a sensitive position in the BMDO, for a limited period of time, for whom a full field investigation or other appropriate investigation, including the National Agency Check, has not been completed.

³See footnote 1 to § 388.6(a)(4).